

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

vs.

BONNIE GARDNER,

Defendant.

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Criminal No. 09-00180-002

HEARING ON - SENTENCING

Before Judge Nora Barry Fischer

Brendan T. Conway, AUSA
Appear for USA

Martin A. Dietz, Esquire
Appear for Defendant

Probation – Tracy DeMartino
Postal Inspector – Randy Hayden

Hearing begun 10/18/13 at 9:00 a.m.
Hearing concluded 10/18/13 at 9:38 a.m.

Hearing adjourned to _____
Stenographer : J. Kienzle
Clerk: J. Galovich

WITNESSES:

For Government

For Defendant

Court details background of case; Oath administered to defendant; Court asks defendant questions re: Presentence Report, Addendum & Tentative Findings, defendant answers & understands; Court remarks on Guidelines and pertinent Supreme Court & Circuit Court decisions; Court notes that parties have no further objections to Presentence Report; Court adopts the Presentence Report & addendum, except as otherwise set forth in the Court's Tentative Findings & Rulings; Court adopts its Tentative Findings & Rulings as its Initial Findings and Rulings; Court comments on Victim Impact Statements; Court makes additional findings on the record based upon letters submitted to the Court on behalf of the Defendant; Court hears counsel positions regarding aspects of Sentence; Defendant declines to make statement to the Court; Court comments on the parties' agreed-upon sentence of incarceration of 42 months & the fact that such sentence represents a variance below the Advisory Guideline Range of 87-108 months; The court finds such a variance is warranted given the government's agreement that such a variance is appropriate and after considering all of the factors under Section 3553(A); Sentence Imposed: The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of forty-two (42) months, with recommendations more fully stated in Judgment; Three (3) years' Supervised Release w/standard and additional conditions; Restitution ordered in the amount of \$13,703,189.00 (Interest waived) (payment details stated more fully in Judgment); Fine waived; \$100.00 Special Assessment, due immediately; Court states its reasons for imposition of Sentence; Court advises defendant of appeal rights; Counts 2-15 of the Superseding Indictment as to Defendant Bonnie Gardner to dismissed upon Oral Motion of the Government; Defendant permitted to self-report to the U.S. Marshal by no later than 9:00 a.m. on 11/29/13, unless defendant is advised to report to a facility at an earlier date by the Bureau of Prisons